

***Remarks***

Reconsideration of this Application is respectfully requested.

Claims 1-20 are pending in the application, with claims 1 and 9 being the independent claims.

***Acknowledgement of Allowed Subject Matter***

The indication in item 6 that claims 8, 10-13, 17, 19 and 20 contain allowable subject matter is gratefully noted.

***Description of the Invention***

The present invention is directed to a method and apparatus of making smokers' products. Generally and by way of example, a mixture of long and short tobacco particles is sifted in a hopper to segregate the short particles from the long particles. The long particles are converted into a continuous stream and the short particles are gathered into a series of discrete, preferably metered, batches which are heterogeneously distributed into the stream of long particles. The mixed stream is then draped into a web of wrapping material to form a continuous rod. The rod is severed between successive batches or successive groups of batches such that each discrete cigarette contains at least one batch of short tobacco particles.

***Rejections under 35 U.S.C. § 102***

Claims 1, 2, 5, 6, 9, 14, 15 and 18 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 3,138,163 to Ffoulkes (“Ffoulkes”).

Claim 1 recites “advancing an elongated stream of segregated long particles along a predetermined path; and admitting into the path short particles for heterogeneous distribution in the stream.”

Ffoulkes shows a method and apparatus to convert a mixture of short and long particles into a rod-like filler. (see Figs. 2 and 4) In Ffoulkes, the short particles of the mixture are separated from the long particles by vibratory screens 27 and 74. Then an elongated stream of segregated long particles is advanced along a predetermined path. Finally, the short and long particles are mixed on path 87. Contrary to claim 1, the ***long*** particles integrated into the stream of ***short*** particles.

Moreover, as disclosed in Ffoulkes, the long and short particles are continuously and uniformly mixed. (see col. 4, lines 17-22, 47-50, and particularly, col. 4, lines 59-63). Thus, the particles are mixed **homogeneously**, not **heterogeneously** as recited in the claims. Accordingly, not only does Ffoulkes fail to teach the claimed features, Ffoulkes teaches away from the present invention.

Claims 2, 5 and 6 depend from claim 1 and are allowable over Ffoulkes as depending from an allowable claim.

Claim 9 recites similar features to that of claim 1 and is allowable over Ffoulkes for the reasons discussed above. Claim 14, 15 and 18 depend from claim 9 and are allowable over Ffoulkes as depending from an allowable claim.

Claims 1, 5 and 9 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 4,616,663 to Lorenzen et al. ("Lorenzen"). Similar to Ffoulkes, Lorenzen teaches a method and apparatus with a homogeneous distribution of long and short particles, not a heterogeneous distribution as recited in independent claims 1 and 9. Accordingly, claims 1 and 9 are allowable over Lorenzen. Claim 5 depends from claim 1 and is allowable as depending from an allowable claim.

***Rejections under 35 U.S.C. § 103***

Claims 1-7, 9, 14-16 and 18 stand rejected under 35 U.S.C. §103 as being unpatentable over Ffoulkes. As discussed above, Ffoulkes fails to teach or suggest a heterogeneous distribution of long and short particles. As such, claims 1-7, 9, 14-16 and 18 are allowable for the reasons discussed above.

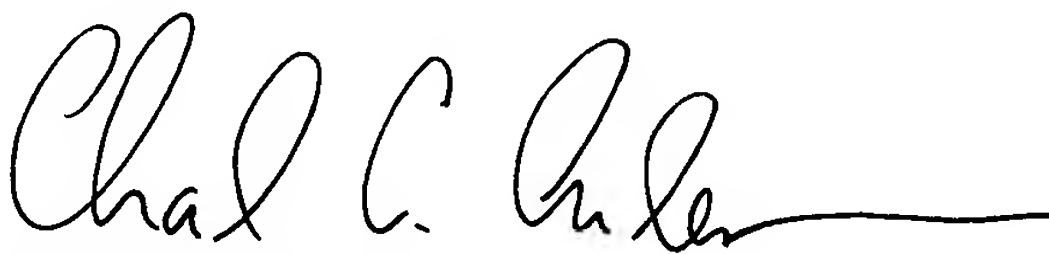
### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

A Notice of Allowance with claims 1-20 is respectfully requested.

Respectfully submitted,



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